
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1741 (Pacheco) - Sexual battery

Version: June 17, 2026

Urgency: No

Hearing Date: June 29, 2026

Policy Vote: PUB. S. 6 - 0

Mandate: Yes

Consultant: Bob Franzoia

Bill Summary: AB 1741 would make sexual battery when committed after having entered an inhabited dwelling, without consent, an alternate felony-misdemeanor,

Fiscal Impact: Unknown costs to the California Department of Corrections and Rehabilitation (CDCR) to incarcerate if the felony sentence is imposed. This felony is punishable by 2-3-4 years in prison. The CDCR FY 2026-27 per capita cost is estimated at \$138,000 (General Fund).

Unknown costs to the counties to incarcerate if a one year misdemeanor sentence is imposed. The average annual cost to incarcerate one person in county jail is approximately \$77,250. In 2021 Los Angeles County budgeted \$1.3 billion for jail costs with \$89,580 per incarcerated person. Actual incarceration costs to counties will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

Unknown, potentially significant costs to the courts to adjudicate new penalties depending on many unknowns, including the numbers of people charged and the factors unique to each case. An eight-hour court day costs approximately \$10,500 based on the hourly rate of court personnel including at minimum the judge, clerk, bailiff, court reporter, jury administrator, administrative staff, and jury per-diems. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. The FY 2026-27 Budget appropriated \$70 million General Fund for this purpose (Trial Court Trust Fund, General Fund).

Likely minor and absorbable costs to local law enforcement agencies for increased reporting of sex offender data to the Department of Justice Megan's Law website (local funds).

Proposed Law: This bill adds to the existing sexual battery statute a circumstance where a person commits an act of sexual battery after having entered an inhabited dwelling without consent. This offense would be punishable as a wobbler.

This bill increases the punishment for sexual battery when the conduct occurred after entering another person's residence without their consent. Depending on the circumstances, this conduct may not rise to the level of first-degree burglary, which requires evidence that the defendant entered a dwelling place with intent to commit larceny or any felony. The sponsor of this bill argues that because a person who enters

a dwelling place to commit misdemeanor sexual battery does not have the intent to commit larceny or a felony, the person may not be guilty of burglary or first degree burglary. If there were any evidence that the defendant restrained the victim to accomplish the sexual battery or tried to get the victim to touch the defendant for purposes of sexual arousal, the defendant could be charged with a felony and likely burglary.

Additionally, by punishing this type of sexual battery as a wobbler, this bill could also indirectly expand the circumstances under which first degree burglary could be charged because the burglary statute punishes the entering of an inhabited dwelling with the intent to commit a felony.

Staff Comments: Taking Three Strikes into account, this crime is not a strike so the possible 25 years to life sentence, in the circumstance where the violator has two prior strikes, would not apply. If the violator has any prior strike, the penalty would be 4-6-8 years in prison.